

BYRON R. BROWN

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Bar Membership: Massachusetts (active since 1999) ❖ Security Clearance: "Top Secret" since 2012; "Secret" since 2005

CONGRESSIONAL & LEGAL EXPERIENCE

Committee on Environment and Public Works (EPW), U.S. Senate, Chairman James Inhofe

Senior Counsel

Jan. 2015 – Present

- ❖ Manage all legislation and policy issues involving Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) for EPW Committee:
 - Drafted and negotiated compromise legislation amending RCRA to authorize permit programs for coal ash management (Sec. 2301 of P.L. 114-322, Water Infrastructure Improvements for the Nation Act);
 - Lead Republican Senate staffer on bill to reauthorize federal Brownfields program (S. 1479);
 - Brokered compromise solid waste legislation to promote waste-to-energy and paper recycling; and
 - Assisted drafting of bipartisan legislation to promote cleanup of abandoned mines by Good Samaritans.
- ❖ Organize and staff multiple full Committee and Superfund, Waste Management and Regulatory Oversight Subcommittee hearings on U.S. Environmental Protection Agency (EPA) programs and policies, including preparing statements and questions for Chairman and Senators, drafting background memoranda, and selecting witnesses.
- ❖ Conduct high-profile oversight investigations on various topics under EPW Committee jurisdiction, including:
 - EPA's use of social media to promote Clean Water Rule in violation of lobbying and propaganda laws;
 - The role of environmental groups in developing EPA's Clean Power Plan;
 - Compliance with Federal Vacancies Reform Act by EPA and the Council on Environmental Quality;
 - EPA's oversight of Superfund sediment sites and adherence to internal policies; and
 - EPA's role in causing and its response to the Gold King Mine blowout.

Committee on Natural Resources, U.S. House of Representatives, Chairman Doc Hastings

Director and Senior Counsel, Office of Oversight and Investigations

April 2013 – Jan. 2015

Managed four-attorney staff office that conducted high-profile oversight investigations into energy, natural resource, environmental, and science issues involving the Department of the Interior (DOI), other agencies, and the private sector.

- ❖ Advised Chairman and Chief of Staff about oversight priorities, strategies, and legal authorities.
- ❖ Staffed more than a dozen full Committee and Subcommittee oversight hearings.
- ❖ Conducted investigative interviews with witnesses and negotiated with counsel for witnesses.
- ❖ Prepared staff reports and document requests; served as lead negotiator with executive branch officials and private sector representatives for Committee investigations; and prepared and issued subpoenas.
- ❖ Coordinated with communications staff on public relations strategies for oversight investigations, including drafting content for Committee website, press releases, and talking points.

Senior Counsel for Oversight, Office of Oversight and Investigations

Dec. 2011 – April 2013

- ❖ Conducted oversight investigations with minimal supervision on diverse natural resource and environmental topics, including:
 - White House role in 2010 Gulf of Mexico offshore drilling moratorium;
 - Lack of independence by DOI Office of Inspector General; and
 - Mismanagement of law enforcement asset forfeiture program for fisheries management agency.
- ❖ Drafted document request letters; prepared and issued subpoenas; drafted staff reports and briefing memoranda about pending investigations; negotiated with agency officials over scope of request letters and interviews; and conducted interviews and meetings with witnesses and whistleblowers.
- ❖ Staffed full Committee and Subcommittee hearings, including briefing Chairman and Members, drafting background memoranda, and preparing questions for witnesses.

U.S. Environmental Protection Agency, Office of General Counsel (OGC)

Senior Attorney, Air and Radiation & Cross-Cutting Issues Law Offices

Feb. 2011 – Dec. 2011

- ❖ Counseled Office of Air and Radiation programs on legal issues arising under Clean Air Act (CAA) and the Administrative Procedure Act, including NSR/PSD permits for power plants, Title V operating permits, climate change public trust doctrine litigation, biomass deferral rule, and air transport rulemakings.
- ❖ Advised senior agency officials on Congressional Review Act; Information Quality Act; the development of EPA's scientific integrity policy; and requirements for regulatory reviews by Science Advisory Board.

Associate Deputy General Counsel/Senior Advisor, Immediate Office of the General Counsel *Nov. 2006 – Feb. 2011*

Advised General Counsel and other senior EPA officials on management of OGC and Congressional relations.

- ❖ Served as liaison for legal and policy issues between OGC and Office of Solid Waste and Energy Response; Office of Pollution Prevention and Toxic Substances; and Office of Environmental Information.
- ❖ Coordinated litigation filings, regulatory reviews, policy briefings, cross-office projects, and other matters requiring General Counsel involvement under CERCLA, RCRA, Endangered Species Act, National Environmental Policy Act (NEPA), and other environmental and information laws. Representative matters included two Supreme Court cases involving CERCLA; EPA's response to contaminated Chinese drywall; and NEPA reviews of nationally significant energy and infrastructure projects.
- ❖ Managed EPA response to oversight investigations by Senate and House committees, the Government Accountability Office, and the EPA Office of Inspector General. Representative matters included denial of California's request for a waiver under CAA and endangerment finding to regulate greenhouse gas emissions from vehicles, the impact of recent Supreme Court decisions on Clean Water Act enforcement cases, environmental cleanups at Superfund sites, and regulation of a proposed offshore liquefied natural gas facility.
- ❖ Served as Brookings Institution Legislative Fellow working on energy and environmental issues (2010).
- ❖ Coordinated recruitment, hiring, and training of staff attorneys, legal fellows, and interns for OGC.
- ❖ Served as OGC's staff lead for the 2008 Presidential Transition.

Assistant General Counsel for Information Law, General Law Office

Nov. 2003 – Nov. 2006

Managed nine attorneys and paraprofessional staff in OGC's Information Law Practice Group.

- ❖ Issued final decisions on behalf of General Counsel for Freedom of Information Act (FOIA) administrative appeals, fee waiver requests, and confidential business information (CBI) and trade secret claims under all EPA statutes.
- ❖ Oversaw practice group's FOIA and Privacy Act litigation docket.

Attorney, Information Law Practice Group, General Law Office

Jan. 2001 – Nov. 2003

Counseled and litigated issues involving FOIA, privacy, oversight, records, information security, and Internet projects.

- ❖ Served as agency counsel for FOIA litigation involving Vice President's energy task force; coordinated development of privacy, CBI, and copyright policies for regulations.gov website (e-rulemaking portal); and counseling agency officials on CBI and confidentiality issues associated with agency's emergency responses to terrorist attacks.

The Reporters Committee for Freedom of the Press, Arlington, VA.

Jack Nelson Legal Fellow

Sept. 1999 – Aug. 2000

Drafted *amicus curiae* briefs for federal and state appellate litigation involving federal and state open record laws.

EDUCATION & OTHER QUALIFICATIONS

J.D.	College of Law, University of Iowa, Iowa City, IA.	May 1999
M.A.	School of Journalism and Mass Communication, University of Iowa, Iowa City, IA.	May 1999
B.A.	English/Journalism (<i>cum laude</i>), University of New Hampshire, Durham, NH.	May 1994

The Daily Tribune, the Pulitzer Prize winning daily newspaper in Ames, IA. Jan. 1995 – June 1996
News reporter covering county government. Copy editor for front page, daily news, and weekly feature sections.

The Daily Iowan, the daily newspaper in Iowa City, IA. Oct. 1996 – May 1999
Editorial page editor, opinion writer, and local news reporter.

SAMPLE OVERSIGHT LETTERS

- ❖ Letter to Gina McCarthy, Administrator, and Environmental Protection Agency re: Deputy Administrator Vacancy, March 8, 2016: http://www.epw.senate.gov/public/_cache/files/0da0f6d1-1eed-43f5-aa11-9dec604fa31d/meiburg-030816-letter-to-epa.pdf.
- ❖ Letter to Gina McCarthy, Administrator, Environmental Protection Agency re: Gold King Mine, Feb. 3, 2016: http://www.epw.senate.gov/public/_cache/files/c229fb2e-5868-434d-8792-bf47ae5fae63/epw-to-epa-re-gold-king-020316-2-.pdf.
- ❖ Letter to Christy Goldfuss, Managing Director, Council on Environmental Quality re: Chairman Vacancy, Dec. 18, 2015: http://www.epw.senate.gov/public/_cache/files/a2d487ef-dedb-4a4d-9285-a33b20e9b08e/121815-letter-from-chairman-inhofe.pdf.
- ❖ Letter to President Obama re: Chairman Vacancy at Council on Environmental Quality, Nov. 20, 2015: http://www.epw.senate.gov/public/_cache/files/311ab91a-7e71-4139-bbcc-c9ed9a221da8/ceq-letter-to-obama-112015-final.pdf.
- ❖ Letter to Christy Goldfuss, Managing Director, Council on Environmental Quality re: Chairman Vacancy, Nov. 20, 2015: http://www.epw.senate.gov/public/_cache/files/5524f18c-19bf-484f-a916-c176bbed2aa3/ceq-letter-to-goldfuss-112015-final.pdf.

PUBLICATIONS

- ❖ *"Forecast for COP-21: Senate Predicts Obama Climate Promises to Come Up Short Again,"* Committee on Environment and Public Works, Majority Staff Report (co-author) Dec. 1, 2015: http://www.epw.senate.gov/public/_cache/files/82ad22e2-c7d4-43db-a5a3-a596571f76d0/white-paper-combined-120315-final.pdf.
- ❖ *"Obama's Carbon Mandate: An Account of Collusion, Cutting Corners, and Costing Americans Billions,"* Committee on Environment and Public Works, Majority Staff Report (co-author), Aug. 4, 2015: http://www.epw.senate.gov/public/_cache/files/386cb25d-b723-4ffd-9fcf-218425a33191/epw-staff-report-obama-carbon-mandate.pdf.
- ❖ *"Under the Microscope: An Examination of the Questionable Science and Lack of Independent Peer Review in Endangered Species Act Listing Decisions,"* Committee on Natural Resources, Majority Staff Report (co-author), Dec. 15, 2014: http://naturalresources.house.gov/uploadedfiles/esa_peer_review_science-staff_report.pdf.
- ❖ *"A Five-Star Folly: An Investigation into the Cost Increases, Construction Delays, and Design Problems That Have Been a Diservice to the Effort to Memorialize Dwight D. Eisenhower,"* Committee on Natural Resources, Majority Staff Report (co-author), July 25, 2014: <http://naturalresources.house.gov/uploadedfiles/oversightreport-113-eisenhowermemorial.pdf>.
- ❖ *"Ethics Under Review: An Oversight Investigation into the Department of the Interior's Ethics Program and How Recusals are Managed for Senior Officials,"* Committee on Natural Resources, Majority Staff Report (lead author), Sept. 9, 2014: <http://naturalresources.house.gov/uploadedfiles/ethics09091staffreport.pdf>.
- ❖ *"A Less Secure Future for Rural Schools: An Investigation into the Obama Administration's Questionable Application of the Sequester to the Secure Rural Schools Program,"* Committee on Natural Resources, Majority Staff Report (co-author), January 14, 2014: <http://naturalresources.house.gov/uploadedfiles/oversightreport-113-alessecurefutureforruralschools.pdf>.
- ❖ *"Holding Interior Watchdog Accountable: Oversight of the Department of the Interior's Office of Inspector General,"* Committee on Natural Resources, Majority Staff Report (lead author), Feb. 21, 2013: <http://naturalresources.house.gov/uploadedfiles/oversightreportdepartmentofinterior.pdf>.